

**The Bill Blackwood
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**Violence in the Workplace
A Law Enforcement Perspective**

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ABSTRACT

The issue of workplace violence for law enforcement is becoming greater as employees expect management to ensure their safety at the work site. This paper examines the phenomena of workplace violence by first defining “workplace violence.” The Workplace Violence Research Institute defines workplace violence as an act against an employee that creates a hostile work environment and negatively affects the employee, either physically or psychologically. Workplace violence can be placed into four categories. Workplace violence does not always result in death. Police departments must take steps to educate public and private businesses in the prevention of workplace violence.

A statistical analysis will determine if a significant difference exists between female and males managers in the area of violence in the workplace. This paper will conclude with recommendations and suggestions for a police department to implement a departmental policy to prevent or reduce violence in the workplace.

TABLE OF CONTENTS

	Page
Abstract	
Introduction.	1
Review of Literature	3
Methodology	9
Findings	10
Discussions/Conclusions	11
References	13
Appendix.....	16

INTRODUCTION

For most law enforcement officers, workplace violence is a problem that occurs somewhere else-in some other place of business. While officers acknowledge the existence of violence in the workplace, no one thinks that it will happen in a law enforcement setting. Workplace violence began generating major concern among private and public sector organizations in the United States in the early 1990s, and this awareness has increased steadily. According to U.S. Justice Department statistics, the workplace is the scene of over three million violent crimes and thefts annually, and employers are facing rising costs associated with investigations. Each year, crime victims lose 1.8 million workdays and cost employers \$40 billion dollars. In the past ten years, the number of negligent hiring, retention and wrongful termination cases has increased dramatically. Homicide in the workplace is the fastest growing form of murder in the United States today, with rates more than doubling in the past ten years alone. Between 1980 and 1989, workplace violence constituted the first leading cause of occupational death for women and the third leading cause of death among men (Simon, 1996).

Workplace violence is not a new phenomenon. During the early part of the century, corporations hired “goons” to beat up and kill union organizers. The mining and shipping industries are rife with danger and violence (Workforce, 2002). The last half of this century saw a new type of violence in the workplace--the disgruntled employee. A number of programs were implemented by human resources departments across the country to address workplace violence. Some success was seen as workplace homicides fell from 1,074 in 1994 to 645 in 1999, as reported by the National Institute of Occupational Safety and Health. A study conducted by the Workplace Violence Research

Institute in 1995 concluded that every workday, an estimated 16,400 workers are threatened, 723 are attacked, and 43,800 are harassed (Kaufer & Mattman, 2001). In addition, according to the Northwestern National Life Insurance Company, 2,500 workers per 100,000 have been physically attacked on the job. The company concluded that 44 percent of workplace attacks were committed by customers or clients, 24 percent by strangers, 20 percent by coworkers, 7 percent by managers and 3 percent by former employees (Matuson, 2002).

A study conducted by the United States Department of Justice in 1993 revealed 1,063 homicides in the workplace, with former employees or coworkers committing 59 of the murders. The study further predicted that approximately one in four employees would be victimized by workplace violence. The issue of workplace violence for law enforcement is escalating as employees expect management to ensure their safety at the work site.

This paper is presented not to discuss how to handle requests for service to other businesses, but to answer the question: Has the time arrived for law enforcement managers to create and maintain programs for a safe working environment at the “station?” In response to decreasing budgets, a number of agencies have turned to civilian employees to fill positions formally held by officers. Many of the people who fill these positions come from the private sector and have different expectations those of law enforcement personnel. The dark humor often associated with law enforcement is seen as offensive or even threatening to civilian employees.

In this paper, the author examined the phenomena of workplace violence by first presenting an appropriate definition. Also includes is information from published

reviews of workplace violence, along with descriptions of offenders and their characteristics. The research was based on a survey of 50 law enforcement officers.

REVIEW OF LITERATURE

The Workplace Violence Research Institute defines workplace violence as an act against an employee that creates a hostile work environment and negatively affects the employee, either physically or psychologically (Kaufer & Mattman, 2001). These acts include all types of physical or verbal assaults, threats, intimidation, coercion, and all forms of harassment. This study also found that workplace homicides in 1994 numbered 1,071--a slight increase over the previous year (Kaufer & Mattman, 2001). James Merchant, MD, DrPH, and Dean of the University of Iowa College of Public Health, believes workplace violence has been defined too narrowly. "It's not just a crime issue or a private industry issue or labor issue; it's a much broader public health problem. Unfortunately, we do not understand very well what works and what doesn't work to prevent workplace violence."

Workplace violence can be placed into four categories.

1. Criminal Intent: The perpetrator has no legitimate relationship to the business or its employees, but is usually committing a crime in of violence.
2. Customer/Client: The perpetrator has a legitimate relationship with the business and becomes violent while being served by the business.
3. Worker-on-Worker: The perpetrator is an employee of the business and attacks or threatens another employee at work.
4. Personal relationship: The perpetrator does not have a relationship with the business, but has a relationship with an employee--the intended victim

(Habeeb, 2001).

Workplace violence has also been classified by type.

1. Type 1: Attacks perpetrated by strangers seeking money, not coworker vengeance
2. Type 2: An assault by someone who is either the recipient or the object of the service provided by the affected workplace or victim
3. Type 3: Violence which consists not only of coworker rampages, but also domestic discord that spills over into the workplace (Cottle, 1999).

The definition presented by Cottle is generally accepted by most businesses and governmental entities. This definition presents a viable “starting point” for law enforcement executives to develop policies which address the issue of workplace violence.

Since the increase of violence in the workplace, negligent hiring and retention doctrines have been invoked by greater numbers of plaintiffs against employers. These doctrines do not rely upon the scope of an employee’s employment, but address the potential risks that may arise when an employer exposes an unsound and dangerous employee to a member of the public. Courts have begun to recognize negligent hiring and retention as two distinct torts involving different acts of an employer instead of a single theory of liability (Clifford, 1995). Further, negligent retention and hiring are fodder for lawsuits when store management fails to screen the applicants they employ.

In 1993, *The Wall Street Journal* reported that 33 percent of all employment applications contain misrepresentations or false information. The potential for risk is highest between the date of hire and the time the employer realizes and becomes aware that the employee is unfit for the job. A research study conducted by liability

expert Norman D. Bates in 1993, concluded that tort cases filed during the early 1980s have resulted in an average out-of-court settlement of \$500,000 and a \$3 million jury verdict (Kaufer, 2001). Recently, a \$5.2 million settlement was awarded by the courts to a supervisor who was shot and permanently disabled by a disgruntled employee who had been fired. Juries also awarded a \$4.9 million judgment against a temporary employment agency that failed to adequately screen an employee who was contracted out to a client, after that employee fatally stabbed a worker at the client company, and a \$4.25 million judgment against the United States Postal Service stemming from a shooting (Kaufer & Mattman, 2001). Workplace violence does not always result in death. A study conducted by the Society for Human Resources Management found that fist fights comprised 75 percent of all workplace violence incidents (Simon, 1996).

In the landmark case *Lopes v. McDonald's* (1987), where 21 customers were killed at a McDonald's restaurant in San Diego, California, the court held the employer responsible and liable for what happened because an integral part of an organization's duty is to protect its employees. Additionally, the landmark Minnesota case of *Ponticus v. K.M.S. Investments* illustrates what can happen when employers fail to adequately check into the history of prospective employees. The resident manager of an apartment complex raped Ponticus at knifepoint in her home. The manager, Graffice, was caught and convicted. Ponticus sued *K.M.S.* for negligence in the hiring of Graffice. Evidence showed that the apartments failed to check out a period of self-employment, during which Graffice claimed to be a tree trimmer. The court used a "totality of the circumstances" test to determine that the apartments had erred. The court pointed out that a simple phone call to the Minnesota Department of Corrections would have revealed that Graffice was

on parole. The court further stated that a "nationwide private investigative service" would have conducted a comprehensive criminal background investigation for a modest fee (Miller & Fenton, 1991).

A mainstay of late night television humor is the errant postal worker. In fact, a new slang term for breaking down under stress is "going postal." Discipline incidents involving postal workers and workplace violence practically define the term. These incidents usually relate to the concept of negligent retention. *Bryant v. Livigni* is an important case related to this issue. Livigni, while intoxicated, dropped by the store he managed. While there, he assaulted a child he found urinating on the wall of the business, breaking the child's shoulder. Testimony about previous incidents of violence by *Livigni* was offered at the trial to show that the employer should have been aware of this potential. The appellate court affirmed, noting that the coworker's knowledge could be imputed to the corporation (Ginsburg, 1996). The court stated that the employer could be held liable only for the "tortuous conduct of its employee that occurs after the employer is notified of the problem."

Notification implies that some action directed toward the employee will follow. Discipline of an employee often triggers the set of circumstances that leads to a violent act. A fired postal worker, Thomas McIlvane, shot eight former peers after going before a grievance board. Four were fatally injured. Larry Hansen, another postal worker, had talked incessantly about a postal worker who killed two people in California, prior to killing his own supervisors. One Oklahoma Post Office lost 14 employees to a former employee whom had been sanctioned, then later fired.

Research on offender characteristics has shown that the perpetrators are consistently white males between the ages of 20 and 50, with the majority in their forties. Much of their self-esteem or self-identity is job based. They also favor violent television programs and usually have a fascination with guns (Dietz, 1994). The people who become violent in the workplace differ from serial murderers. Although both groups are responsible for multiple murders, the workplace violence perpetrator is known as a mass murderer.

In her article, "Sensitivity in the Workplace May Be a Life or Death Issue," Judy Quan notes that the potential violent coworker is typically a male. He is a loner who feels rejected by coworkers and may be experiencing problems in his personal life (Quan, 2001). Violence in the workplace can have devastating effects on the productivity of organizations and the quality of life of employees. However, relatively few employers have established effective programs to combat this problem. This is disappointing since most survivors of workplace violence are affected by symptoms of post-traumatic stress disorder (PTSD) for a long period after the attack. In a study after an incident in California, a research team from the Stanford School of Medicine found a wide range of acute stress responses in the 36 employees involved. Reevaluation approximately ten months later revealed that about one-third of those who originally met the PTSD criteria had developed significantly more symptoms by the time of the follow-up study (Simon, 1996). Today, very few police departments have integrated workplace violence training into their policies or procedures to assist employees with post-traumatic stress in the workplace. As of yet, no uniform guidelines based on scientific studies have been

developed to manage these problems. Rather, court cases have provided the primary basis for practical training.

Employers face another issue when they attempt remedial action to force compliance with company rules, such as policies and procedures set forth for each employee. Torts may arise from attempts to modify an employee's extreme behavior if the procedures are not written or utilized effectively. This means that supervisors must be well-trained and their actions free from personal or punitive bias. Employee evaluations, disciplinary actions and references must not be based on untrue statements.

Like Quan, M. Mantel from the School of Medicine at the University of California, San Diego, also describes the typical workplace violence perpetrator as a white male with low self-esteem, a fascination with weapons, and a history of substance abuse. Also, these types of employees are loners who experience prolonged periods of stress, are unable to resolve differences with co-workers and/or supervisors, and experience personal and financial problems. In addition, Mantel mentions that a typical profile is under an extremely high level of stress outside the work environment due to difficulties related to divorce or finances (Jossi, 1999). For example, angry and unwarranted outbursts, the inability to take criticism, an inordinate fascination with weapons, and a disregard for the safety of others are a few characteristics of this person. It's rare for one individual to exhibit all symptoms, but a supervisor should be able to identify workers who give off several signals and determine when it's appropriate to intervene.

Ken Habeeb, in his article, *Avoiding Workplace Violence*, presented eight signals of possible workplace violence behaviors:

1. Actor: Pounding on desks, acting out in anger;
2. Fragment: Taking no responsibility for problems or blaming others;
3. Me-first: Doing things that suit themselves even to the detriment of the company or customers;
4. Mixed-messenger: Undermining others behind their backs while appearing to be nice in person;
5. Wooden-stick: Refusing to adapt to changes or attempting to control others;
6. Escape-artist: Handling stress through lying or alcohol or drug dependency;
7. Shocker: Exhibiting changes in behavior or acting out of character;
8. Strange: Acting remote, using poor social skills or poor personal hygiene, or being fixated or focused on an idea or person.

Managers should determine which and how many of the behaviors a person exhibits, how often, and how intensely. Knowing an employee and being able to recognize personality changes is the best prevention to workplace violence (Habeed, 2001).

METHODOLOGY

Has the time arrived for law enforcement managers to create and maintain programs for a safe working environment at the “station?” The hypothesis of this research paper predicts that a relationship exists between females and male managers who recognize violence in the workplace. The author predicts a significant difference will surface in the number of female managers and male managers who recognize that

workplace violence or hostile environments exists in the “station,” but that very few departments have policies and procedures in place to address the problem.

A convenient survey sample was collected from several law enforcement agencies from the central Texas area. The survey participants consisted of 25 females and 25 males who hold the rank of Sergeant and above. The questionnaire was in a “yes” or “no” format. The following five critical questions were asked:

1. Female or Male (What sex are you?)
2. Have you ever witnessed or received a complaint in the workplace regarding any activity that could be categorized as workplace violence, e.g., harassment, hostile work environment, employee bickering?
3. Are there any policies or procedures for preventing or solving such activities in your department?
4. If the answer to #3 is “Yes,” in your opinion, have the policies or procedures helped to prevent or solve any problems that have occurred?
5. If the answer to #3 is “No,” do you feel that having policies or procedures in place for these types of situations would assist you in performing your managerial duties more effectively?

Utilizing SPSS Companion for Statistics in Criminal Justice will give the outcome of the hypothesis statement.

FINDINGS

A chi-Square statistical test was performed in SPSS and concluded that a significant difference exists between women and men who witness or receive a complaint

in the workplace, with an analysis value of 5.556₆, degrees of freedom of 1 and significant at .018, which is less than the critical value of $p \leq 0.05$.

The second question asked of the participants, resulted in a value of 3.191₆, degrees of freedom 1 and significant at the level of .074, which is also within the critical value $p \leq 0.05$. This means that policies and procedures exist within most of the participating agencies.

Further, on question #4, the results indicated that there is a significant probability that policies and procedures will prevent violence in the workplace. A chi-square test resulted in an analysis value of 9.742₆, degrees of freedom 1 and significant at a level of .002, which is less than the critical $p \leq 0.05$ means having policies and procedures in place will reduce workplace violence within an agency.

Question #5 was not determined as only two participants answered the question. No real data was obtained to establish a difference or not.

In conclusion, the hypothesis presented confirms the author's prediction--that a significant difference exists between women and men who observe workplace violence, and that having policies and procedures in place prevents such problems.

DISCUSSION/CONCLUSIONS

Has the time arrived for law enforcement managers to create and maintain programs for a safe working environment at the "station?" The original hypothesis of this thesis was that a difference exists between women and men who witness violence in the workplace. Analyses bear out a significant difference. This research is by no means

all-inclusive, however, it provides some basic information which law enforcement executives can use as a starting point to further their knowledge in the field.

Since workplace violence is a mainstay of today's society, police executives must come up with innovative ideas to protect themselves and to create public awareness to combat this phenomenon. There are alternatives to assist managers in creating solutions and programs to prevent workplace violence. This research is by no means all-inclusive, however, it provides some basic information which law enforcement executives can use as a starting point to further their knowledge in the field.

A working viable definition was looked at. To address the problem of workplace violence, we must assume a multi-discipline approach. If management only attempts to address this issue at one level, it will not be successful. This approach begins before a person is even hired. An extensive background check and testing should be incorporated for all applicants. Strong policies and procedures should be in place and understood by all employees. Training staff and employees to recognize behaviors that may lead to workplace violence is critical. A solid employee assistance program or some type of counseling needs to be available to all employees. Building design is also of significant importance. The correct design or security measures will deter incidents. We can learn from private industry how to address the many facets and issues involved with workplace violence.

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Survey:

Please answer the following question to the best of your ability.

1. Female____ Male____
2. Have you ever witnessed or received a complaint in the workplace regarding any activity that could be categorized as workplace violence? (such as harassment, hostile work environment, employee bickering, etc..) Yes____ or No____
3. Are there any policies or procedures for preventing or solving such activity in your department? Yes____ or No____
4. If the answer to #3 is Yes: Have the policies or procedures, in your opinion, helped prevent or have solved any problems that have occurred? Yes____ or No____
5. If the answer to #3 is No: Do you feel that having policy or procedures in place for these types of situations would assist you perform your managerial duties effectively? Yes ____ or No ____